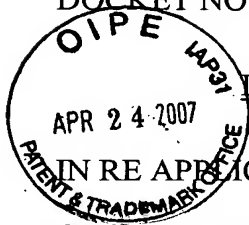


DOCKET NO: 247945US2S



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

CHOSAKU NODA, ET AL.

SERIAL NO: 10/761,361

FILED: JANUARY 22, 2004

FOR: INFORMATION RECORDING
MEDIUM, INFORMATION
RECORDING/REPRODUCING METHOD,
AND INFORMATION
RECORDING/REPRODUCING DEVICE

:

: EXAMINER: DINH, TAN X

:

: GROUP ART UNIT: 2627

:

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated March 29, 2007, Applicants provisionally elect with traverse the species of C, for further examination on the merits. Applicants identify Claims 4 and 6 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

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be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-8 be conducted.

Respectfully submitted,

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